

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC. and
ENZO LIFE SCIENCES, INC.

Plaintiffs,

v.

PERKINELMER, INC. and
PERKINELMER LIFE SCIENCES, INC.,

Defendants.

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No. 03-CV-3817 (RJS)

**DECLARATION OF
JUSTIN A. MACLEAN
IN SUPPORT OF
ENZO'S OPPOSITION
TO PERKINELMER'S
DAUBERT MOTION
TO PRECLUDE THE
TESTIMONY OF DR.
DAVID H. SHERMAN**

I, JUSTIN A. MACLEAN, declare as follows:

I am an associate in the New York office of Greenberg Traurig LLP, located at 200 Park Avenue, New York, NY 10166. I submit this declaration in support of Plaintiffs Enzo Biochem, Inc.'s and Enzo Life Sciences, Inc.'s (collectively, "Enzo") Opposition to PerkinElmer's *Daubert* Motion to Preclude the Testimony of Dr. David H. Sherman. This declaration is based upon facts of which I have personal knowledge. If called upon as a witness, I could and would testify competently to these facts under oath.

1. Attached hereto as **Exhibit 1** is a true and correct copy of the expert report of Dr. David H. Sherman, dated January 28, 2014, without appendices.

2. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the deposition of Dr. David H. Sherman, taken on March 2, 2014.

Dated: March 7, 2014

/s/ Justin A. MacLean
Justin A. MacLean